

# PATENT COOPERATION TREATY

REC'D 09 JUN 2005

From the  
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/DK2005/000117

International filing date (day/month/year)  
22.02.2005

Priority date (day/month/year)  
23.02.2004

International Patent Classification (IPC) or both national classification and IPC  
A23L1/314, A23B4/12, A23B4/20, A23L1/317, A23L1/325

Applicant  
NOVOZYMES AS

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/DK2005/000117

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/DK2005/000117

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	13
	No: Claims	1-12,14-16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

Reference is made to the following documents :

D1 : WO 00/30460 A (THE PROCTER & GAMBLE COMPANY) 2 June 2000  
D2 : US 2 930 702 A (WINTERBOTTOM) 29 March 1960 (1960-03-29)  
D3 : FR 556 064 A (G. SCHEIB ET AL.) 11 July 1923 (1923-07-11)  
D4 : CH 356 659 A (AMERICAN CYANAMID CO) 31 August 1961  
D5 : US 6 045 990 A (ABY MATHEW ET AL) 4 April 2000 (2000-04-04)

1. The present application does not meet the requirements of Article 33(2) PCT because the subject-matter of claims 1-12,14-16 is not new.

a. Document D1 discloses (p.2,3,9,14,15) a process wherein a meat product (f.i. beef , pork , chicken , turkey , sausages , fish) is contacted with a lactobionic acid (calcium lactobionate).

The subject-matter of claims 1-12,14-16 is therefore not new.

b. Document D2 discloses (col.2 l.65 - col.3 l.2 , claims) a process wherein a meat product (poultry) is preserved by contacting with a lactobionic acid.

The subject-matter of claims 1,3,5,11,14,16 is therefore not new.

c. Document D3 discloses a process wherein a meat product (meat, poultry, fish) is preserved by contacting with a lactobionic acid.

The subject-matter of claims 1-12,14-16 is therefore not new.

d. It appears documents D4 (p.2 l.49-52 ; claims) and D5 (col.5 , claim 1) also deprive claims 1,14,16 of novelty.

2. Dependent claim 13 does not contain any features which , in combination with the features of any claim to which they refer , meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT) , because in this claim a change is defined which comes within the scope of the customary practice followed by persons skilled in the art , especially as the advantages thus achieved can readily be foreseen (cfr. WO9931990 cited in the application).